THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.2620 of 2007

Dated: 16-03-2007

Between:

Sirigineedi Sarojini.

..... PETITIONER

AND

The District Collector, Eluru, and others.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.2620 of 2007

ORDER:

The petitioner allegedly purchased 1846 sq. yards of land in survey No.121/1 situated at Pentapadu Agraharam Village, Pentapadu Mandal, West Godavari, under two registered sale deeds dated 09.09.1971 and 21.07.1980 executed by Nallamilli Peddasubbayamma on behalf of her minor children and Pattam Tulsiaathnam. He is running a cement brick manufacturing unit in said land. In the affidavit accompanying the writ petition, he also states about the title of her vendors and her vendors' vendors, a reference to which may not be necessary for the purpose of this writ petition. It appears that first respondent issued enjoyment certificates to respondents 4 to 14, eleven persons, under Integrated Novel Development In Rural Areas and Model Municipal Areas (INDIRAMMA) programme without initiating any acquisition proceedings or without issuing any notice to the petitioner. It is also alleged that the entire extent of land in survey No.121/1 admeasuring Ac.1.29 originally belonged to Vinjamuri Sheshavatharam, who was inamdar in occupation of the land over fifty years and from whom the vendors of the petitioner purchased the same.

At the stage of admission itself, third respondent filed a counter-affidavit on behalf of respondents 1 to 3. It is alleged that land admeasuring Ac.0.22 in survey No.121/1 and Ac.0.22 in survey No.123/2 Ac.0.10 in survey No.124/2 and Ac.0.12 in survey No.126/2 is classified in the revenue records as puntha. Therefore, conversion proposals were sent to first respondent vide proceedings 23.05.2006 and pending said proceedings, third respondent issued enjoyment certificates to thirty three persons, including respondents 4 to 14 herein, in respect of land in survey No.121/1. This was done to enable the Andhra Pradesh State Housing Corporation (APSHC) to construct houses under INDIRAMMA programme pending conversion proceedings before first respondent.

It is also stated in the counter-affidavit that the petitioner herein and one Mallidi Satyanarayana Reddy sent representations on 03.02.2007 and 05.02.2007 claiming entire land of Acs.1.29 in survey No.121/1 and objecting allotment of said land for providing house sites. Therefore, third respondent issued instructions on 05.02.2007 to the Assistant Engineer of APSHC to stop construction of houses in said survey number pending finalization of enquiry. The enquiry is still pending. Third respondent also denies the allegation of the petitioner that the land

is patta land and does not belong to Government.

Heard the learned counsel for the petitioner and the learned Assistant Government Pleader for Revenue (General-A). The entire material placed before this Court is perused. Respondents 1 to 3 deny that the petitioner is in possession of the land. They also deny that the petitioner is carrying on brick manufacturing activity in a part of the land. In fact it is admitted by them in para 7 of the counter-affidavit. Presumably for this reason when the petitioner approached claiming title over the land, third respondent initiated enquiry and also stopped the construction of houses by APSHC. Even before the enquiry would be completed, the petitioner approached this Court without awaiting for the result of the enquiry. Therefore, this Court is not inclined to express any opinion on the rights of the petitioner or the legality or validity of the action of third respondent in giving enjoyment certificates to respondents 4 to 14 to enable APSHC to proceed with the construction of houses. Now that the construction has been stopped by third respondent for conducting enquiry, the petitioner may approach third respondent, place all the material and documents, if not already placed. In which event, third respondent may take decision in the matter within a period of three weeks from the date of receipt of a copy of this order. This observation would be sufficient redressal for the present. In case third respondent decides that it is a Government land and not patta land, the petitioner has to seek necessary declaration/title in the civil Court. Title dispute cannot be agitated in a writ petition.

The writ petition, with the above observations, is accordingly disposed of. No costs.

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(**V.V.S.RAO, J**)

16th March, 2007

Note: Issue CC in one week.

B/o

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